

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No. 26960 OF 2015

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This Writ Petition is directed against an interlocutory order passed by the Andhra Pradesh Administrative Tribunal in O.A.No. 4162 of 2015 instituted by the petitioner herein.

While the petitioner was working as a Revenue Divisional Officer, Bhadrachalam in Khammam District, the Government of Telangana passed orders through their G.O.Rt.No. 6, Revenue (SER.I) Department, dated 17.06.2014 requiring him to get relieved as Revenue Divisional Officer, Bhadrachalam and to report to the government. Accordingly, when the petitioner has reported before the government, the State Government of Telangana has lent his services to the State of Andhra Pradesh on deputation basis, pending final allocation of their services to the successor State. The claim of the petitioner is that as per the norms of allocation, he has every right to stake a claim to be allocated to the State of Andhra Pradesh, but not to the State of Telangana. Therefore, the State of Telangana should not have assumed that they have any right to deal with the petitioner and on that premises, it ought not to have issued the impugned G.O.Rt.No. 171, Revenue (SER.I) Department, dated 13.04.2015 proposing to retire him from service on attaining the age of superannuation of 58 years on the After Noon of 31.08.2015. Hence, the petitioner has challenged the validity and correctness of this order before the Tribunal by instituting the aforementioned O.A. He also sought for suspension of the operation of this order and since the Tribunal has not passed such an *ex parte* interim order, but instead preferred to put the respondent State of Telangana on notice, the present Writ Petition is instituted.

The question that falls for consideration is in a very narrow compass. So far as the impugned order is concerned, it has been passed by the State of Telangana. As at present advised, the age of superannuation of government servants of the State of Telangana is standing at 58 years. Therefore, the proposal of the State of Telangana to treat the petitioner to have retired from its services on 31.08.2015, cannot be taken exception to. Such an order is in conformity and is in accord with the age of superannuation statutorily fixed for the government servants as of now. However, if the petitioner were to get allocated to the State of Andhra Pradesh eventually, under the provisions of the Andhra Pradesh State Reorganization Act, 2014, question would arise whether he is entitled to continue up to the age of 60 years in service of the Government of Andhra Pradesh there. The State of Andhra Pradesh has now statutorily enhanced the age of superannuation of its servants from 58 to 60 years. In case the final allocation of the petitioner takes place to the State of Andhra Pradesh, the State of Andhra Pradesh will have to bear the burden of reimbursing the differential amount between the terminal benefits, which he would have received and what he would have secured as his wages treating him as if he had continued in service beyond the age of 58 years. Therefore, that is a matter which the State of Andhra Pradesh will have to bother and that was not the relief that was prayed for before the Tribunal and therefore, we do not find any impropriety or illegality in the order passed by the Tribunal not according the prayer sought for *ex parte*. We do not find any merit in this Writ Petition and it is accordingly, dismissed. No costs.

However, it goes without saying that in case the final allocation of the petitioner takes place to the State of Andhra Pradesh, the State of Andhra Pradesh will have to appropriately regulate the period beyond the age of 58 years of the petitioner at that stage. It is further needless for us to observe that this order will not come in the way of the Tribunal to deal with the O.A. in accordance with law, in the

meantime.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

25th August 2015

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